
Judiciary Committee

HB 3230

Title: An act relating to requiring DNA evidence to be presented prior to imposition of the death penalty.

Brief Description: Requiring DNA evidence to be presented prior to imposition of the death penalty.

Sponsors: Representatives Strow, O'Brien, Schual-Berke, Darneille and Hasegawa.

Brief Summary of Bill

- Prohibits the imposition of the death penalty unless DNA evidence was used in the person's conviction.

Hearing Date: 1/31/06

Staff: Trudes Tango (786-7384).

Background:

Washington's capital punishment statute provides a framework and procedural requirements for the imposition of the death penalty. The death penalty may be imposed only against persons convicted of aggravated first-degree murder and only after a special sentencing proceeding has been held to determine whether the death penalty is warranted.

Aggravated First-Degree Murder

Aggravated first degree murder means premeditated first degree murder when any of the specified list of aggravating circumstances exists. Examples of aggravating circumstances include: (a) the victim was a police officer; (b) there were multiple victims as part of a common scheme or plan or the result of a single act; or (c) the murder was committed to conceal the commission of a crime.

The special sentencing proceeding required may be held only if the prosecutor files a timely notice on the defendant. The trier of fact must determine unanimously that there are not sufficient mitigating circumstances to merit leniency. If there are sufficient mitigating circumstances to merit leniency, the defendant receives a sentence of life imprisonment without the possibility of release.

DNA collection and post-conviction testing

The Washington State Patrol operates and maintains a deoxyribonucleic acid (DNA) identification system for the purposes of DNA identification analysis, prosecution in criminal offenses, and the identification of human remains or missing persons. The system contains DNA samples from persons convicted of any felony and certain misdemeanors. The agency responsible for collecting the DNA sample depends upon where the defendant is incarcerated. The Washington State Patrol in consultation with the University of Washington School of Medicine provides DNA analysis services to law enforcement agencies and assists law enforcement and prosecutors in the preparation and utilization of DNA evidence.

A person convicted of a felony who is currently imprisoned may submit a motion to the sentencing court to request post-conviction DNA testing under certain circumstances. The person requesting post-conviction DNA testing must show that there is a likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis.

Summary of Bill:

The death penalty may not be imposed on any person convicted of aggravated first degree murder unless DNA evidence was used in the person's conviction.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect on March 1, 2006.